



EMPLOYMENT TRIBUNALS

Claimant: Mr B Pearce

Respondent: (1) Pantmawr Care Limited t/a TLC Domiciliary Care Agency
(2) Mrs Gladys Perks

Dated: 5 March 2020

Before: Employment Judge R F Powell

RECONSIDERATION

I reject the claimant's application for reconsideration under Rule 70(1) of the Tribunal's Rules of Procedure 2013: there is no reasonable prospect of the tribunal's original judgment being varied or revoked.

REASONS

Introduction

1. Following a hearing on 13th January 2020, the tribunal delivered an oral judgment dismissing the claimant's claim.
2. The tribunal sent the Judgment with Reasons to the parties on 13th February 2020.

3. On 20th February 2020, the claimant wrote to the tribunal to apply for a reconsideration of the judgment. His application was largely a series references to the King James' Bible:

“ Good day: **PLEASE RE-CONSIDER THE WRONG JUDGEMENT....**

I stated from the beginning that I was sent by the Almighty God through Jesus Christ & His church “A Messenger so to speak” not about me, I also stated that It was about the truth, so what is truth? I had explained the three parts to truth at the hearing of the 13th of January and it was recorded. That explanation has been wholly ignored.

JOHN 14: V6 KJV BIBLE. Jesus saith unto him; I am the way the truth and the life; no man cometh unto the father [God] but by me. The Almighty God sees everything. **PROVERBS 15: V3 KJV BIBLE. The eyes of the Lord are in every place, beholding the evil and the good.**

Those whom judge will themselves be judged. **MATHEW 7: VS 1+2 KJV BIBLE. JUDGE not that ye be not judged. For with what judgement ye judge, ye shall be judged: and with what measure ye mete, it shall be measured to you again.**

A False witness will be not be unpunished, **PROVERBS 19: 5 KJV BIBLE. A false witness shall not be unpunished and he that speaketh lies, shall not go unpunished.**

Those whom call themselves Christians but break His commandments will come under the judgement. **MATHEW 5: V19 KJV BIBLE... Whosoever therefore shall break one of these least commandments, and shall teach men so, he shall be called the least in the Kingdom of Heaven.**

The Almighty God through Jesus Christ offers His Salvation to all Mankind because it is His WILL to save all flesh. **1 TIMOTHY 2: V4 KJV BIBLE... Who will have all men to be saved, and to come under the knowledge of the truth.** This is the New Apostolic Faith in a nutshell, not a bad faith I would say.

Let it be known today: All whom hear this testimony that it is a call to repentance through choice. **ACTS 3: V19/20 KJV BIBLE..**

Repent ye therefore, and be converted, that your sins may be blotted out, when the times of refreshing shall come from the presence of the Lord; And He shall send Jesus Christ, which before was preached unto you.

For the Lord is NO respecter of persons. **ACTS 10: V34 KJV BIBLE.. Then Peter opened his mouth, and said, Of a truth I perceive that God is no respecter of persons.**

The actual evidence bears witness to what really took place, why then ? Hearsays, Lies, False witness, false documentation was given preference over the reality & truth. **DO NOT IGNORE THIS TESTIMONY..** For the Lord resists the proud. **JAMES 4: V6 KJV BIBLE.. But He giveth more grace. Wherefore He saith; God resisteth the proud, but giveth grace unto the humble.**

ISAIAH 55: V11 KJV BIBLE.. So shall my word be that goeth forth out of my mouth: it shall not return to me void, but it shall accomplish that which I please, and it shall prosper in the thing whereto I sent it.”

4. The claimant's second submission related to the tribunal's decision not to admit a covert recording made by the claimant which he had chosen not to disclose to the respondents prior to the commencement of the Hearing of the 13th January 2020.
5. Because the claimant is a litigant in person, I have responded in more detail than I normally would.

The relevant rules on reconsideration

6. Applications for reconsideration are governed by Rules 70 to 73 of the Tribunal's Rules of Procedure 2013.
7. Rule 70 provides that a tribunal may, either on its own initiative or on the application of a party, reconsider any judgment where it is “necessary in the interests of justice to do so”. Following a reconsideration, a judgment may be confirmed, varied or revoked (and, if revoked, it may be taken again).
8. Rule 72 describes the process by which an application for reconsideration should be determined. The application should, where practicable, first be considered by the Employment Judge who made the original decision or who chaired the full tribunal that made the original decision. Rule 72(1) requires

that judge to refuse the application if he or she “considers that there is no reasonable prospect of the original decision being varied or revoked”. If the judge considers that there is a reasonable prospect of the original decision being varied or revoked, the Rules go on to provide for the application to be determined with or without a further oral hearing.

9. This document sets out my initial consideration of the claimant’s application under Rule 70(1).

The claimant’s application

10. The principal difficulty the claimant faces is that the great majority of his argument amounts to an attempt to re-argue points on the reliability of the respondents’ witnesses which he raised before the tribunal and which it rejected. His argument lacked specific examples or reference to specific aspects of the evidence.
11. Secondly, the pertinent disputes of fact before the tribunal, where the witnesses’ relative reliability might have been pertinent, were not of such significance that they were likely to have altered the tribunal’s conclusions.
12. The claimant’s second argument challenges the tribunal’s decision to reject the claimant’s application, made during his closing submissions, to admit a covert recording of a conversation between Mrs. Perks and the claimant. His argument does not identify any material consideration which the tribunal failed to take into account or any error in the rationale set out in paragraphs 10 to 13 of the Reasons sent to the parties on in February 2020.
13. Bearing in mind the strong public interest in the finality of litigation and the need to do justice to both parties, I consider that it would not be in the interests of justice to give the claimant a second opportunity to address points he has previously articulated.

Employment Judge R F Powell
Dated: 5th March 2020

RECONSIDERATION DECISION SENT TO PARTIES ON
.....10 March 2020.....

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FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS